

FILED ENTERED	RECEIVED SERVED ON
COUNSEL/PARTIES OF RECORD	
COURT	OCT 16 2019
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
No. BX4/7538305 DEPUTY	

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
WAYNE THOMAS,
Defendant.

Case No. BX4/7538305 DEPUTY

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

2:20-mj-00113-EJY

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs the additional time to review discovery and to prepare for trial.

2. Counsel request the new date be designated to a date after the court's November bench trial date, currently set as November 20, 2019.

3 The defendant is not incarcerated and does not object to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the second request for a continuance of the bench trial.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, October 16, 2019, at 9:00 a.m., be vacated and continued to Jan. 29, 2020 at the hour of 9:00 A.m.

DATED this 16th day of October, 2019.

019.
Eayna } Yenuchah

UNITED STATES MAGISTRATE JUDGE

1 RENE L. VALLADARES
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 KATHERINE TANAKA
5 Assistant Federal Public Defender
6 Nevada State Bar No. 14655
7 411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577/Phone
(702) 388-6261/Fax
Katherine_Tanaka@fd.org

Attorney for Wayne Thomas

FILED
ENTERED
RECEIVED
SERVED ON
COUNSEL/ATTORNEYS OF RECORD

OCT 11 2019

CLERK U.S. DISTRICT COURT
DISTRICT OF NEVADA

BY: DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. N4/7538305

Plaintiff,

**STIPULATION TO CONTINUE
BENCH TRIAL**
(Second Request)

v.

WAYNE THOMAS,

2:20-mj-113-EJY

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Katherine Tanaka, Assistant Federal Public Defender, counsel for Wayne Thomas, that the bench trial currently scheduled on October 16, 2019 at 9:00 am, be vacated and continued to a date and time convenient to the Court, but no sooner than thirty (30) days.

This Stipulation is entered into for the following reasons:

1. Counsel for the defendant needs additional time to review received discovery and to prepare for trial.

2. Due to scheduling, both parties request the new date be designated to a date after the court's November bench trial date, currently set as November 20, 2019.

3. The defendant is not incarcerated and does not object to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code § 3161(h)(7)(B)(iv).

This is the second request for a continuance of the bench trial.

DATED this 8th day of October, 2019.

RENE L. VALLADARES
Federal Public Defender

KATHERINE TANAKA
Assistant Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

RACHEL KENT
Special Assistant United States Attorney